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Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

Board Meeting Minutes – October 20, 2014

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Andrew Bedar, Member (AB)
- George Delegas, Member (GD)

and

- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)
- Thomas Hopkins, Executive Director (TH)

Members Not Present:

- Carol Steinberg, Member (CS)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

- Meeting began at approximately 9:10 a.m.

1) Discussion: Roll Call

WW - Call to order all but Raymond Glazier and Carol Steinberg present

2) Incoming Discussion: Father Bill's Main Spring House, 54 North Main St., Brockton (V14-230)

TH - previously granted request around 521 CMR 27
- they had asked for 5 years for a LULA, the Board voted to continue the matter for more information
- EXHIBIT – October 15, 2014, Mark Coughlin, architect for the project, submitted two plans A.2 and A.2a

- the cafeteria at the first floor is used as the cot area at night
- still seeking 5 years for the installation of a LULA

DM - grant as proposed

JD - second – carries unanimously

Carol Steinberg, Member – Now Present (CS)

3) Discussion: Wendell Terrace, 19-21 Wendell St., Cambridge (V14-082) & Residential Apartments at 1 and 3 Chauncy St., Cambridge (C14-047 & V14-048)

- TH - EXHIBIT – October 2, 2014 letter from Larry Brahman opposed to arguments from tenants;
September 30, 2014 submittal from Peter Poras for both properties with plans and cost estimates
- variance sought for the lack of an accessible entrance to the property, based on jurisdiction of 3.3.1b

Raymond Glazier, Executive Office of Elder Affairs Designee – Now Present (RG)

- TH - total spending on the project is \$780,000 for Wendell Terrace (value is \$4,000,000); spending on Chauncy Street was \$980,000 at both properties (valued at \$3,562,400 each)

SOUND FILE ERROR – CONTINUED TO NEXT SOUND FILE

CS - motion to reopen all three cases

DM - second – carries with WW in favor, and RG, AB and GD opposed

AB - accept their submittal of confirmation of the argument for excessive cost without substantial benefit to persons with disabilities and therefore uphold the original decision to grant the variance for the lack of an accessible entrance

GD - second – carries with DM and CS opposed

4) Incoming Discussion: St. Spyridon Food Bank, 102 Russell Street, Worcester (C14-069 & V14-237)

- TH - EXHIBIT – letter from George Econimo on October 9, 2014 seeking additional time to submit a plan for compliance
- no time listed

CS - grant until December 1, 2014

JD - second – carries unanimously

5) Incoming Discussion: 4 Family Dwelling Unit, 269 Emerson Street, South Boston (V13-321)

- TH - EXHIBIT – submittal from Doug Stephanos, received on October 17, 2014, including new plans showing a platform of 39” x 52 7/16” for the vertical lift
- 36 by 54 required

AB - grant as proposed, based on excessive cost without substantial benefit

JD - second- carries unanimously

6) Discussion: Natick Mews, 82 North Main St., Natick (V14-156)

- TH - EXHIBIT – October 14, 2014 submittal of plans from David Giuliano
- September 22, 2014 hearing required plans to be submitted
- granted variance relief and wanted to make sure the plans showed compliant units

CS - *accept*

DM - *second – carries unanimously*

7) Incoming: Woodlawn Avenue Bridge, Pittsfield (V14-284)

- TH - request to waive the 2 week waiting period to expedite the need for the Board's review
- EXHIBIT – June Hailer e-mail in support of the case being expedited, October 15, 2014

DM - *waive the two-week waiting period*

AB - *second - carries unanimously*

- TH - EXHIBIT – variance application and all supplemental information
- seeking variance for sidewalk slopes 5.48% and 6.62%
- June Hailer of the Pittsfield Commission on Disability supports the variances requested

CS - *grant as proposed, exc. cost without benefit*

AB - *second – carries unanimously*

8) Incoming: Commons at Forrest Hill Station, 3611 and 3615 Washington Street, Boston (V14-265)

- TH - EXHIBIT – variance application and supplemental information
- new building, mixed use residential, retail and parking
- sink request

CS - *grant as proposed*

DM - *second – carries unanimously*

9) Discussion: Waverly Commuter Rail Train Station, 525 Trapelo Road, Belmont (C12-033 and V13-076)

- TH - EXHIBIT – Laura Brelsford of MBTA letter received on October 3, 2014
- Board hearing decision April 1, 2014, seeking plans and updated timeline for accessibility reconstruction project
- January 1, 2015 completion date was the original decision of the Board, requiring that the station is brought into compliance by said date

JD - *reiterate date of compliance that was previous ordered at the hearing, and request submittal of timeframe of compliance or closure of the station, by November 10, 2014*

RG - *second – carries unanimously*

DM - *expedite*

RG - *second – carries unanimously*

10) Incoming Discussion: Former Lashaway Inn, 308 Lakeside, 308 East Main Street, East Brookfield (V14-256)

TH - hearing scheduled for January 26, 2014
- brand new building on the shore of a lake
- seeking time variance to implement the plan for compliance for the route from the lake to the building
- proposing 5 years for a lift
- they are seeking immediate temporary certificate of occupancy for the restaurant to be open, and allow the use of the lakeside entrance

AB - *grant temporary certificate of occupancy for the use of the main level*
JD - *second – carries unanimously*

11) Incoming: 9, 11, and 15 Douglas Street sidewalks, Cambridge (V14-264)

TH - EXHIBIT- variance application and supplemental information; letter of support from Michael Muehe dated June 25, 2014
- sidewalk width variances requested due to existing trees; proposed signage directing people to the accessible route

JD - *grant as proposed*
AB - *second – carries unanimously*

12) Incoming: 60 feet of sidewalk at 341 Newbury Street, Boston (V14-271)

TH - EXHIBIT – variance application and supplemental information
- proposing a 3% cross slope at the furniture zone, the main path of travel will comply with the required 2%

JD - *grant as proposed*
AB - *second – carries unanimously*

13) Incoming: St. Ann's House, 98-100 Haverhill St., Methuen (V14-269)

TH - EXHIBIT – variance application and supplemental information
- proposed change in use from private home to a group home

CS - *continue for more information*
RG - *second – carries unanimously*

14) Incoming: John H. Thomas Memorial Swimming Pool, 2460 Roosevelt Ave., Springfield (V14-266)

TH - EXHIBIT – variance application and supplemental information
- spending over 30%
- seeking 4 variances
- 30.6, for alternate accessible stall in the women's toilet room, seeking to not install the alternate stall; there is an accessible stall provided

CS - *grant variance for 30.6*
DM - *second – carries unanimously*

TH - 67" by 69" deep provided; 60" by 72" required; for accessible women's stall

RG - *grant*

DM - second – carries unanimously

- TH - 31.7.1, sprayer shower unit
- seeking to not provide spray shower unit
- the bathing rooms are unmonitored and the showerheads are mounted at 62.5", instead of the 48"

JD - grant

AB - second – carries with CS opposed

- TH - dressing room size, women's changing room
- required to be 5' by 6'; 69" by 42" provided, with 69" by 60" proposed

JD - grant

RG - second – carries with CS abstaining

15) Incoming: Sarah James Sherman Memorial Swimming Pool, 750 Meadow Street, Chicopee (V14-267)

- TH - EXHIBIT – variance application and supplemental information
- spending over 30%
- seeking 4 variances
- 30.6, for alternate accessible stall in the women's toilet room, seeking to not install the alternate stall; there is an accessible stall provided

JD - grant variance for 30.6

RG - second – carries unanimously

- TH - 67" by 69" deep provided; 60" by 72" required; for accessible women's stall

JD - grant

RG - second – carries unanimously

- TH - 31.7.1, sprayer shower unit
- seeking to not provide spray shower unit
- the bathing rooms are unmonitored and the showerheads are mounted at 62.5", instead of the 48"

JD - grant

RG - second – carries with CS opposed

- TH - dressing room size, women's changing room
- required to be 5' by 6'; 69" by 42" provided, with 69" by 60" proposed

JD - grant

RG - second – carries unanimously

CS left the room

16) Incoming: Proprietors Field Elderly Housing, 118 Church St., Williamstown (V14-272)

- TH - EXHIBIT – variance application and supplemental information
- seeking variances for 26.6.3, 26.6.4, and 26.8 for the push, pull and door opening force

DM - no variance required base on exception of 521 CMR 26.6
RG - second – carries unanimously

17) Incoming: Sidewalk in the south corner of High Street at Cambridge Street, Winchester (V14-273)

TH - EXHIBIT –variance application and supplemental information
- renovation of existing sidewalks along new street paving
- variance for cross slope at the new sidewalk where it meets the existing (7.5%-15.6%)

DM - grant on the condition that the next round of work fixes this issue of noncompliant cross slopes
JD - second – carries unanimously

CS now present

18) Incoming: Columbus Park Preparatory Academy, 75 Lovell St., Worcester (V14-274)

TH - EXHIBIT - variance application and supplemental information
- spending over 30%
- seeking variances for use of incline lift and for jurisdiction under 3.2
- project is under construction
- should meet with architect

DM - continue to have the Petitioners meet with TH
AB - second, require the Building Inspector to attend the meeting as well – carries unanimously

19) Incoming Discussion: Nashawannuck Pond Promenade, Williston Avenue and Cottage Street, Easthampton (V14-231)

TH - EXHIBIT – submittal from Jeffrey Squire, dated October 1, 2014
- one gangway will be 42 feet long; but all will now comply with slopes

JD - grant as proposed
AB - second – carries unanimously

20) Incoming: Maple Street Athletic Fields, Framingham State University

TH - letter from Rob Paccione, Project Manager PRA Architects, dated October 14, 2014, seeking time to complete the installation of the lift to the press box, but no variance submittal; want to use the grandstands now
- Gene Novak, State Building Inspector seeking to only use grandstands

DM - grant the use of the seating area, but not the press box until the installation and the inspection of the lift is complete

JD - second – carries unanimously

JD - also require the submittal of a variance application, formerly requesting the use of the press box lift

DM - second – carries unanimously

DM not present

21) Incoming: Cambridge Athletic Club, 215 First Street, Cambridge

- TH - EXHIBIT – October 15, 2014 submittal from Greg Spies regarding current proposal
- originally presented on August 11, 2014, voted to meet with architect and club owner
 - after meeting with the architect and owner, they are not over 30% of the value of the space
 - they want to expand to the mezzanine level
 - club is accessible at the first floor
 - proposing to have accessible gym equipment at the first floor
 - mezzanine will be used for additional gym equipment
 - mezzanine is 3,670 square feet, with part used as offices
 - they state that anything offered at the second floor will also be offered at the first floor
 - jurisdiction is change in use, based on the expansion to the mezzanine

JD - grant, on the condition that any classes (if provided) at the mezzanine level, are available at the first floor as well and that the mezzanine level offices are for employee-use only; with classes and equipment advertised as accessible, or available to be accommodated

AB - second – carries unanimously

BRIEF BREAK

22) Hearing: Highland Heights Family Development, Oak Court & Highland Court, Taunton (V14-176)

- WW - called to order at approximately 11:00 a.m.
- introduce the Board

Rob Smith, JMBA Architects (RS)

John Massey, Taunton Housing Authority (JM)

Colleen Doherty, Taunton Housing Authority (CD)

Joe Booth, JMBA Architects (JB)

- WW - all sworn in
- EXHIBIT 1 – AAB1-12

- JB - hired to renovate bathrooms and restrooms at 40 units for the property
- did a cost analysis and found that \$2.5 million required for the work; over budget by approximately \$600,000
 - there are accessible units throughout the Taunton Housing portfolio
 - there are accessible units in a housing development less than a mile away
 - the units are duplexes, and were built in the 1950's
 - it would be an additional \$600,000 to create accessible units within this housing complex
 - Taunton Housing has exceeded the number of the accessible units throughout the portfolio, 6.7% are accessible

- argument is excessive cost without substantial benefit, based on costs for accessibility upgrades and lack of substantial benefits based on current accessible housing provided

RS - there is currently only one person waiting for an accessible unit
- Taunton Housing Authority does upgrade items, such as removal of a tub to provide a wheel-in shower or the installation of grab bars

CD - currently has the opportunity for federal funding, but does not meet HUD requirements, which requires that it is brought up to code
- this development upgrade and federal approval, will benefit both Taunton Housing Authority and the tenants

CS - are there two units that could be upgraded, did not see plans

JB - some of the units have 3 steps in the interior up to the main living level, which would require two ways to overcome changes in level
- bathrooms are only 5 foot wide, would have to create an accessible bathroom at the first floor

RS - the second floor hallways are narrow, and a lift to the second floor would not be feasible

AB - can cabinet heights be adjusted?

CD - yes, in all of the units

JD - are there other duplex units that are accessible within Taunton Housing portfolio

CD - Bristol Common has accessible flats

DM - would have like to see floor plans to show how small the units are

JB - submittal of floor plans as exhibits

WW - accept 5 plans of pages A-105 – A-109; EXHIBIT 2

CD - three-bedroom accessible units are currently all occupied by people who need the units; the one person on the waiting list is requesting a three-bedroom accessible unit
- the waiting list is often for transfers into accessible units for people already within the housing authority system
- have taken people from other housing authorities to occupy the Taunton Housing Authorities four-bedroom accessible unit, which are hard to find in the accessible housing market

JD - grant as proposed, based on the fact that the petitioners had proven that the cost of compliance would be excessive without substantial benefit to persons with disabilities; based on the fact that more than required number of accessible units are provided throughout the housing authority

RG - second – carries with CS opposed

Brief Break

23) Incoming: Lone Star Taco Bar, 635 Cambridge St., Cambridge (V14-262)

- TH
- EXHIBIT – variance application and supplemental information
 - reconstruction and remodel of existing restaurant and bar
 - partial application, they are over 30%
 - seeking variance for the lack of compliance at the entrance
 - accessible entrance down the side alley
 - front entrance is two steps, approximately 15 inches
 - restaurant is 1500 gross square feet

CS - continue for more information about the alternative accessible entrance and a site visit to be conducted by Board staff

GD - second – carries unanimously

24) Incoming Discussion: Paul Revere Memorial Education and Visitors Center, 5-6 Lathrop Place, Boston (V11-251)

- TH
- historic Paul Revere House and adjacent education and visitor center
 - seeking amendment to dimensions of unisex accessible toilet rooms and slopes four areas the plaza
 - EXHIBIT – submittal from Don Mills on October 17, 2014 with plans showing the plaza slopes
 - proposing handrails at three locations with clear widths of 36”, 43” and 40”

DM - grant as proposed

RG - second – carries unanimously

- TH
- portion of the plaza at the entrance ticket kiosk, with slopes that run from 3% to 2%

DM - grant as proposed

AB - second – carries unanimously

- TH
- two public toilet rooms
 - one family toilet room and two other public toilet rooms
 - had granted 3’ 7.5” for the wide side of toilet stall dimensions; proposing 3’ 6 7/8”

DM - grant as proposed

JD - second – carries unanimously

- TH
- 10’ 11 3/4” for overall length, originally granted 11’ 1 3/8” of family toilet room stall

CS - grant as proposed

JD - second – carries unanimously

TH - second floor unisex toilet room, originally reported to be 5'9", proposed 5' 8 3/8"

DM - grant as proposed

JD - second – carries unanimously

TH - 6'4.5" reduced to 6'4 1/8"
- unisex toilet room at second floor

DM - grant as proposed

JD - second – carries unanimously

TH - third floor unisex toilet room, originally reported to be 5'9", proposed 5' 8 3/8"
- 6'4.5" reduced to 6'4 1/8"

DM - grant as proposed

JD - second – carries unanimously

25) Incoming Discussion: Artemis Yoga Studio, 639-641 Mount Auburn Street, Watertown (V14-225)

TH - EXHIBIT – October 2, 2014 submittal from Elizabeth Padula regarding accommodation policy
- reasonable accommodations can be requested via phone or e-mail

CS - accept the policy

DM - second – carries unanimously

26) Incoming: Museum of Fine Arts, 465 Huntington Avenue, Boston (V14-277)

TH - EXHIBIT – variance application and supplemental information
- one night performance will expand stage and cover the accessible seating at the front of the auditorium; will provide accessible seating at the rear
- stage is 8 inches high and they want to expand the stage 5 feet for this one night performance

DM - grant as proposed

AB - second – carries unanimously

Break for Lunch

27) Incoming: Plymouth South High School, 490 Long Pond Rd., Plymouth (V14-261)

TH - EXHIBIT – variance application and supplemental information, including letter of support from Dinah O'Brien of the Town of Plymouth, and a letter from the building inspector
- new construction

- project is currently at project documents
- seeking variance for 24.5 (handrails on ramped aisles at auditorium at the front)

CS - grant as proposed

DM - second – carries unanimously

TH - access to the stage from the balcony is outside the venue

DM - grant as proposed

GD - second – carries unanimously

TH - 27.4.1, continuous handrails at the balcony level stairs

CS - grant as proposed

AB - second – carries unanimously

TH - two sets of stairs within the school, where they propose a radius stair design, not consistent tread depth
- 4 feet 10 ³/₄" on either side of center handrail

CS - grant as proposed

DM - second – carries unanimously

28) Incoming: Church to Condo conversion, 225 Dorchester Street, Boston (V14-276)

TH - EXHIBIT – variance application and supplemental information
- renovation of St. Augustine's Church to condo
- variance to use vertical wheelchair lift
- 1 accessible unit required and proposed

DM - continue and require architect to meet with TH

JD - second – carries unanimously

29) Incoming: Mirbeau Inn and Spa, 35 Landmark Drive, Plymouth (V14-270)

TH - EXHIBIT – variance application and supplemental information
- new construction
- seeking variance for lack of compliant level landing at the ramp
- angled landing, but turning radius provided

JD - grant as proposed

GD - second – carries unanimously

30) Hearing: Fusion Restaurant, 12 Pond Street, Ashland (C11-115)

WW - called to order at approximately 1:00 p.m.

- introduce the Board

David Correia, MetroWest Center for Independent Living/Complainant (DC)

Mark Dempsey, Compliance Officer for the Board (MD)

Vinh Diep, Manager for Fusion Restaurant (VD)

- WW - all parties sworn in
- EXHIBIT 1 – AAB1-19

- DC - filed in 2011
- until last week, nothing was done with the parking
- AAB16 is a picture of the parking
- no signage at the accessible parking
- there is only 7 feet between edge of accessible parking space and adjacent space

DM - find in favor of the complainant

JD - second – carries unanimously

- VD - parking was rearranged
- put the sign up yesterday
- there are 48 spaces in the parking lot

- MD - complaint cited 59 spaces within the lot, so 3 spaces required

- VD - they provided 3 accessible parking spaces within the lot
- a sidewalk will be required by the town within the next few years, which will require the entire parking lot to be redesigned

- DC - the accessible parking spaces are not usable due to the location of the parking

- VD - have installed all three signs

- WW - cannot be in buckets, have to be permanently installed

- GD - need to see plans of the parking lot

JD - submittal of compliant plan, and a plan showing the required parking per the requirements of the Town of Ashland, submit by October 31, 2014

AB - second – carries unanimously

JD - expedite the decision

RG - second – carries unanimously

BRIEF BREAK

31) Incoming: St. James Place, 352 Main Street, Great Barrington (V14-275)

- TH - EXHIBIT – variance application and all supplemental information
- taking a church and turning it into a performance center
 - full compliance required, spending over 30%
 - seeking a variance for the front entrance to the church
 - ramps at the front entrance will cost an estimated \$79,500
 - proposing alternate accessible

DM - hearing

CS - second – carries unanimously

DM - also require test drawings for compliance

JD - second – carries unanimously

32) Discussion: Arrowhead Museum, 780 Holmes Rd., Pittsfield (V13-316)

- TH - EXHIBIT - October 1, 2014 received status report and photos from Robert Harrison, architect for the project
- entrance to the main house to be designed and completed by June 1, 2015
 - accessible toilet room in the barn is complete

CS - accept the status report

RG - second – carries unanimously

33) Incoming Discussion: Schofield Elementary School, 27 Cedar Street, Wellesley (V14-168)

- TH - EXHIBIT - Submittal from Jennifer Soucy of SMMA, received by the Board on September 29, 2014
- have now removed the closers and have moved the furniture

CS - accept the plan on 3 doors

JD - second – carries unanimously

- TH - still don't have a plan for the playground

CS - require the submittal of the plan for compliance for routes at playground to be submitted by November 10, 2014

JD - second – carries unanimously

DM left the room

34) Incoming Discussion: Papas Law Library, Boston University, 765-767 Comm. Ave., Boston (V14-252)

- TH - hearing scheduled for January 26, 2015 at 2 p.m.

- proposing exterior access to the auditorium stage from within the seating venue
- would like to review the packet submitted (the original variance application) and have the Board review this matter again at the next meeting of the Board
- 80% construction documents

CS - motion to have TH send the entire variance application so that the Board can attempt to digest, to be reviewed at the next meeting November 3, 2014

JD - second – carries unanimously

Return from break with all but JD

35) Hearing: Casco Crossing Apartments, Buildings 1-4 and Community Building, 168 River Road, Andover (C14-012 and V14-131)

- WW - called to order at approximately 2:00 p.m.
- introduce the Board

Vernon Woodworth, AKF (Code Consultant) (VW)

Michael Rabieh, Attorney for Casco Crossing (MR)

Amy Hamill, Attorney for Office of the Attorney General Civil Rights Division (AH)

Bethany Brown, Paralegal for the Office of the Attorney General Civil Rights Division (BB)

Adelaide Tamayo, Intern for the Office of the Attorney General Civil Rights Division (AD)

Allan Motenko, Deputy Director of Massachusetts Office on Disability (AMo)

Adrienne Mason, Advocated for Massachusetts Office on Disability (AMa)

Katherine Bishop, Owner of Unit 118 (KB)

Madelaine St. Amawd, Andover Commission on Disability (MS)

Thomas Hopkins, Director of AAB and Complainant (TH)

Stephen Stapinidi, Andover Portland Avenue Associates (SS)

- WW - VW, AMa, SS, TH, AMo, and KB sworn in (all others present to observe)
- EXHIBIT 1 – AAB1-456

MR - have controlled sample of Building 1 air and found that all of the mold spore concentration were at or below the required level; submittal of affidavit attesting to the lack of mold

WW - accept the copy of the affidavit as EXHIBIT 2

AMa - mold played a part in the appeal of the granted variance, also feel that there would be substantial benefit to having Group 2 units dispersed throughout the complex, for the benefit of current residents and existing tenants that are age in place

KB - live in the building, called Thomas Carbone of the Board of Health and they have not closed off the mold issue with the Board of Health

- not just an issue with the basement

AMo - mold was a consideration, there is a substantial benefit to having access to accessible units within the other buildings

- still issue of the entrance to Building 1
- still need to determine if Group 1 units provided in other buildings
- the ability to have accessible units provided within other building is a substantial benefit for potential new tenants or tenants that age in place

WW - do not have a mold expert to evaluate the report

CS - some higher concentration of some mold counts, such as some that cause breathing problems

MR - latest correspondence was that sump pump was installed, dehumidifier installed and drywall replaced
- clearance letter issued via that affidavit, but do understand that Town Board of Health needs to finalize their case

- the mold review was done of air samples at the basement, elevator, first floor and Unit 113, which was chosen at random

KB - Unit 113 had to have carpet replaced and large mold issue, since the unit is above the basement where the mold issue was most prevalent

MR - that is of Ms. Bishop's opinion, the unit was not chosen because of the location of the unit

GD - tested the areas that were suspect

MR - yes, the areas raised in the letter from MOD

VW - automatic door opener has been installed at Building 1 entrance, with some "kinks" and the expectation is that it will be working in the future

- extinguishers have been moved
- new door for thresholds
- have a design plan for all 5 building (including Community Building), have not met the deadline, but do have a design
- did not want to begin the work without Board's approval
- signage has been addressed for parking
- some of the parking spaces will be relocated as part of the repaving process
- handrails for stairs have been ordered
- plans in place for the public toilet rooms, kitchen, pool and drinking fountain
- intention is to provide accessible entrances to all public entrances (front and back)
- some walkways and some ramps
- need to completely rework the site

TH - dates need to be dealt with, as well as clearances at doors

- VW - interior door clearances do comply
- TH - AAB138-139 is the submittal from VW
- VW - refers to Figure 25b being inapplicable and this is a side approach door
- TH - the argument is that the door to building one at the interior is a latch-side approach
VW - yes, latch side does not require 60 inches
- TH - Figure 25b is for a vestibule entrance, this is not a vestibule entrance
- the doorway is centered on the hallway and requires a person to negotiate the adjacent stairs as well
- VW - AAB282, shows double doors, but that is not the condition
- TH - AAB61, shows the as-built plans of stairs and entrance in Buildings 2-4
- have been talked about centering the doors
- VW - contending that this is a side approach
- WW - arrow on the diagram is the path of travel
- KB - there is 55 inches between the doorway and stairs
- cannot go straight thru the door, have to negotiate past the stairs and angle the direction
- VW - not contesting that there is a difficulty with negotiating the door entrance, point is that the current condition is code compliant
- by moving the door opening, requires a new doorframe and header
- AMa - if the design is to just create access into the doorways of the existing buildings, then this same issue of negotiating the entrance clearances would be the same
- VW - two entrances to each building, will be made accessible (front and back)
- TH - why not just make 4 entrances fully compliant at the front of each of the building
- and request variances for the rear entrances to each of the buildings
- community building should have two compliant entrances
- CS - where are we at with the deadlines?
- VW - Automatic door opener is installed and does not operate consistently
- fire extinguishers are moved
- TH - fire extinguisher pictures show that the fire extinguishers are still a protruding object
VW - moved into a corner of the hallway, can submit more pictures

VW - door for community building has been ordered, but unsure if permits have been pulled
- all of the site work is dependent on the Board's approval of the proposed plans, contractors and weather
- some interior handrails have arrived and work to install them will take place this fall
- community room amenities will probably occur within the next two months, with the possible exception of the lift to the pool
- hope to finish everything no later than May of 2015

TH - what about Group 1 unit modifications to comply
- would need to amend variance request for time

VW - will do the work for the Group 1 units when the units that are required to be Group 1 are changed over to a new tenant

TH - so need to modify the variance request to include this proposal for time to comply with the requirements of the Group 1

CS - are there leases for the units?

KB - they are one-year leases

VW - all of the buildings are virtually identical, with the exception of the elevator, but there is no substantial benefit to the different buildings, not any substantial differences between the buildings
- updating the buildings to include a Group 2 unit in each building would be an excessive cost without substantial benefit to persons with disabilities

DM left for the day
JD present once again

36) Hearing: Brasco & Son Funeral Home, 733 Moody Street, Waltham (C13-086)

WW - called to order at approximately 3:15 p.m.
- introduce the Board

Paul Brasco, Funeral Director (PB)

Mark Dempsey, Compliance Officer for the Board (MD)

WW - both sworn in
- EXHIBIT – AAB1-25

MD - November of 2013 after the wake of former Board member Gerald LeBlanc, it was reported that the lift was not in working order and the slopes of the walkway did not comply

- the lift is still placarded and no retest has been requested, as of 10:30 a.m. this morning

PB - had told the family of Mr. LeBlanc that the lift was not in working order, and asked them if they would like to use the Belmont facility

- borrowed a temporary ramp to accommodate the issue of the lift not working in full order
- have a lift proposal for replacement of the lift in June of 2013
- have renderings of plans for a ramp, as opposed to replacing the lift
- will not replace the lift unless it can be covered
- asked for a re-inspection of the elevator in March of 2014 after receiving a replacement
- August 5, 2014 an elevator inspector came out to the property to review the installation and was told that a fine would be issued; fine was in the amount of \$20,000
- on July 31, 2014 received notice of the hearing before the Board
- are still awaiting the inspection of the inspection of the lift
- have found units with glass enclosures
- the unit as is, is operable, but just needs to be inspected
- can order a new lift, but it would require 4-6 weeks

TH - fine is because the lift went from 2009 to current date without any inspections
- could share the decision of the Board with the Chief of Elevator Inspections Walter Zalenski

CS - *find in favor of the complainant*

GD - *second – carries unanimously*

CS - *have the proposed new lift installed and inspected by February 1, 2015*

JD - *second – carries unanimously*

CS - *have TH speak with the Elevator Board regarding the decision of the Board*

JD - *second – carries unanimously*

37) Discussion: Meeting Minutes and Decisions from 10/6/14

CS - *accept the decisions and the minutes*

AB - *second – carries with JD abstaining*

38) Discussion: Advisory Opinions regarding checkout departments, Doug Anderson

JD - *all cash wraps must be accessible*

AB - *second – carries unanimously*

39) Discussion: Advisory Opinion from Sarah Lavado, Group 1 Kitchen Appliances

TH - cooktop and countertop conventional oven

JD - *variance required*

AB - *second – carries unanimously*

40) Advisory Opinion: Yogurt City, 120 East Street, Ludlow

TH - originally reviewed and made the determination that the topping counters do not comply because of the reach ranges

- Michael Pietras arguing that under section 17 of 521 CMR, stating that it shall comply with zone of reach and that the counters comply within zone of reach

JD - ask for a drawing clarifying the depth of centerline of the last row of condiments from the front edge

AB - second – carries unanimously

41) Incoming: Acton Funeral Home, 470 Massachusetts Avenue, Acton (V14-263)

TH - EXHIBIT – variance application and supplemental information

- slope at ramp exceeds 1:12

- spoke to architect, and proposing a spot plan with slope measurements

JD - continue for spot plan of ramp slopes

AB - second – carries unanimously

- End of Meeting -

EXHIBITS:

- Father Bill's Main Spring House, 54 North Main St., Brockton (V14-230) - October 15, 2014, Mark Coughlin, architect for the project, submitted two plans A.2 and A.2a
- Wendell Terrace, 19-21 Wendell St., Cambridge (V14-082) & Residential Apartments at 1 and 3 Chauncy St., Cambridge (C14-047 & V14-048) - October 2, 2014 letter from Larry Brahman opposed to arguments from tenants; September 30, 2014 submittal from Peter Poras for both properties with plans and cost estimates
- St. Spyridon Food Bank, 102 Russell Street, Worcester (C14-069 & V14-237) - letter from George Econimo on October 9, 2014 seeking additional time to submit a plan for compliance
- 4 Family Dwelling Unit, 269 Emerson Street, South Boston (V13-321) - submittal from Doug Stephanos, received on October 17, 2014, including new plans showing a platform of 39" x 52 7/16" for the vertical lift
- Natick Mews, 82 North Main St., Natick (V14-156) - October 14, 2014 submittal of plans from David Giuliano
- Waverly Commuter Rail Train Station, 525 Trapelo Road, Belmont (C12-033 and V13-076) - Laura Brelsford of MBTA letter received on October 3, 2014
- Nashawannuck Pond Promenade, Williston Avenue and Cottage Street, Easthampton (V14-231) - submittal from Jeffrey Squire, dated October 1, 2014
- Maple Street Athletic Fields, Framingham State University - letter from Rob Paccione, Project Manager PRA Architects, dated October 14, 2014
- Cambridge Athletic Club, 215 First Street, Cambridge - October 15, 2014 submittal from Greg Spies regarding current proposal

- Paul Revere Memorial Education and Visitors Center, 5-6 Lathrop Place, Boston - submittal from Don Mills on October 17, 2014 with plans showing the plaza slopes
 - Artemis Yoga Studio, 639-641 Mount Auburn Street, Watertown (V14-225) - October 2, 2014 submittal from Elizabeth Padula regarding accommodation policy
 - Arrowhead Museum, 780 Holmes Rd., Pittsfield (V13-316) - October 1, 2014 received status report and photos from Robert Harrison, architect for the project
 - Schofield Elementary School, 27 Cedar Street, Wellesley (V14-168) - Submittal from Jennifer Soucy of SMMA, received by the Board on September 29, 2014
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- Woodlawn Avenue Bridge, Pittsfield (V14-284) - June Hailer e-mail in support of the case being expedited, October 15, 2014; variance application and all supplemental information
 - Commons at Forrest Hill Station, 3611 and 3615 Washington Street, Boston (V14-265) - variance application and supplemental information
 - 9, 11, and 15 Douglas Street sidewalks, Cambridge (V14-264) - variance application and supplemental information; letter of support from Michael Muehe dated June 25, 2014
 - 60 feet of sidewalk at 341 Newbury Street, Boston (V14-271) - variance application and supplemental information
 - St. Ann's House, 98-100 Haverhill St., Methuen (V14-269) - variance application and supplemental information
 - John H. Thomas Memorial Swimming Pool, 2460 Roosevelt Ave., Springfield (V14-266) - variance application and supplemental information
 - Sarah James Sherman Memorial Swimming Pool, 750 Meadow Street, Chicopee (V14-267) - variance application and supplemental information
 - Proprietors Field Elderly Housing, 118 Church St., Williamstown (V14-272) - variance application and supplemental information
 - Sidewalk in the south corner of High Street at Cambridge Street, Winchester (V14-273) - variance application and supplemental information
 - Columbus Park Preparatory Academy, 75 Lovell St., Worcester (V14-274) - variance application and supplemental information
 - Lone Star Taco Bar, 635 Cambridge St., Cambridge (V14-262) - variance application and supplemental information
 - Museum of Fine Arts, 465 Huntington Avenue, Boston (V14-277) - variance application and supplemental information
 - Plymouth South High School, 490 Long Pond Rd., Plymouth (V14-261) - variance application and supplemental information, including letter of support from Dinah O'Brien of the Town of Plymouth, and a letter from the building inspector
 - Church to Condo conversion, 225 Dorchester Street, Boston (V14-276) - variance application and supplemental information
 - Mirbeau Inn and Spa, 35 Landmark Drive, Plymouth (V14-270) - variance application and supplemental information
 - St. James Place, 352 Main Street, Great Barrington (V14-275) - variance application and all supplemental information
 - Acton Funeral Home, 470 Massachusetts Avenue, Acton (V14-263) - EXHIBIT – variance application and supplemental information

